

State of Maine
Board of Licensure in Medicine
137 SHS 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of October 8, 2013
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**State of Maine
Board of Licensure in Medicine
137 SHS, 161 Capitol Street
Augusta, Maine 04333-0137
Minutes of October 8, 2013**

Board Members Present

Maroulla Gleaton, M.D, Chairman
David D. Jones, M.D., Board Secretary
David R. Andrews, M.D.
Louisa Barnhart, M.D.
Cheryl Clukey
David H. Dumont, M.D
Dana Dyer
David Nyberg, Ph.D.
Peter J. Sacchetti, M.D.

Note: Dr. Sacchetti being a newly appointed member of the Board, was sworn in today but did not vote on motions because he had not had an opportunity to review the cases prior to the meeting. He was excused at 1:50 p.m.

Board Staff Present

Randal C. Manning, Executive Director
Mark C. Cooper, M.D., Medical Director
Jean M Greenwood, Administrative Assistant
Kathryn Levesque, Board Investigator
Tim Terranova, Consumer Assistant

Attorney General's Office Staff

Dennis Smith, Assistant Attorney General
Detective James Gioia
Hearing Officer
Rebekah Smith, Esq.

The Board meets in public session with the exception of the times listed below, which are held in executive session. Executive sessions are held to consider matters which, under statute, are confidential (1 M.R.S. §405) and 10 M.R.S.A. §8003-B, and 22 M.R.S. § 1711-C). The Board moved, seconded, and voted the following executive session times. During the public session of the meeting, actions are taken on all matters discussed during executive session. Discussions are projected on a screen by PowerPoint projection.

PUBLIC SESSIONS

9:00 a.m. – 9:08 a.m.
10:49 a.m. – 11:04 a.m.
12:18 p.m. – 12:59 p.m.
12:59 p.m. – 1:41 p.m.
1:41 p.m. – 1:54 p.m.
1:54 p.m. – 3:22 p.m.
3:23 p.m.

PURPOSE

Call to Order
Recess
Noon Recess
Public Session
Recess
Adjudicatory Hearing
Adjournment

EXECUTIVE SESSION

9:08 A.M. -10:49 a.m.
11:04 a.m. – 12:18 p.m.

Complaints
Informal Conference

I. Call to Order

Dr. Gleaton called the meeting to order at 9:03 a.m.

A. Amendments to Agenda

1. CR13-171
2. CR13-172

B. Scheduled Agenda Items

1. 9:00 a.m. (Time Certain) Board Member Education
2. 11:00 a.m. Informal Conference (CR12-202)
3. 2:00 p.m. Adjudicatory Hearing – CR13-173 Alexandria E. Nesbit, P.A.-C.

Executive Session

II. New Complaints

1. Letters of Guidance

- a. CR12-50 Scott M. Davis, M.D.

Dr. Dumont moved to approve the letter of guidance to Dr. Davis. Dr. Jones seconded the motion, which passed unanimously.

- b. CR13-13 William K. Bradfield, M.D.

Dr. Andrews moved to approve the letter of guidance to Dr. Bradfield. Dr. Jones seconded the motion, which passed unanimously.

- c. CR13-29 Charles S. Armstrong, M.D.

Dr. Dumont moved to approve the amended letter of guidance to Dr. Armstrong. Mr. Dyer seconded the motion, which passed unanimously.

- d. CR13-115 Michael H. Ralph, M.D.

Dr. Dumont moved to approve the letter of guidance to Dr. Ralph. Ms. Clukey seconded the motion, which passed unanimously.

- e. CR13-121 Curt T. Young, M.D.

Dr. Gleaton moved to approve the letter of guidance to Dr. Young. Ms. Clukey seconded the motion, which passed unanimously.

2. CR12-203 Paul L. Minot, M.D.

Dr. Dumont moved to dismiss CR12-203 Paul L. Minot, M.D. with a letter of guidance. Dr. Jones seconded the motion, which passed 7-0-0-1 with Dr. Barnhart recused.

This complaint originates from a law enforcement agency that was concerned about the prescribing practices of this physician after two of his patients were arrested for selling their drugs. Extensive review over several months shows the physician to be making changes to his practice to improve his prescribing practices. The physician is to be commended for his willingness to institute these changes and he should continue his work in this area. Case is to be dismissed with a letter of guidance encouraging the physician to continue his work in the following areas:

1. Use Universal Precautions in the prescribing of all controlled substances;
2. Maintain a strategy of "trust but verify" with his patients; and
3. Encourage the administration of his practice to make changes to support these strategies.

3. CR13-75

Ms. Clukey moved to dismiss CR13-75. Dr. Jones seconded the motion, which passed unanimously.

The patient complains her new physician refused to see her and discharged her from the practice. The patient was seen twice for a worker compensation's issue at a sister medical office in Brewer. Due to not being able to see the physician of her choosing, she asked that her medical care and her medical records be transferred to the Bangor Medical office. Due to her disruptive and rude behavior to staff at the Brewer office, a decision was made to discharge her from the practice. However, the discharge of this patient was not communicated to the Bangor office in a timely manner. As a result, an appointment was made at the Bangor office for this patient after she had been discharged. The patient was informed at the appointment that the visit was not going to continue, as the office learned, that day, that she had been discharged by the other medical office and as a result, she could not receive medical treatment at this sister medical office. When the patient was informed of this decision, the patient engaged in disruptive and rude behavior toward staff. The physician regrets the administrative confusion and apologized for the inconvenience to the patient. The physician acted appropriately.

4. CR13-107 Bethany T. Lake, M.D.

Dr. Jones moved to dismiss CR13-107 Bethany T. Lake, M.D. with a letter of guidance. Dr. Jones seconded the motion, which passed unanimously.

The patient complains that the physician was abrupt and rude, and that he was not allowed to describe his medical history or explain the reason for his visit. Review of the record neither supports nor negates this complaint. The physician does state that she reviewed significantly abnormal medical records later in the day that pertained to this patient and the reason for his visit. She briefly reviewed them, signed them, and then incorrectly filed them without any action. She describes changes she has made in her office and practice to prevent this in the future. The Board agrees with these changes and

emphasizes the need for physicians to follow up on all abnormal tests that they receive, regardless of who ordered them.

A letter of guidance will say physicians are responsible for following up all test results and medical records regardless of who ordered them.

5. CR13-118

Dr. Jones moved to hold an Informal Conference in the matter of CR13-118. Mr. Dyer seconded the motion, which passed 7-0-0-1 with Dr. Andrews recused.

Dr. Jones moved to issue complaint CR13-187. Mr. Dyer seconded the motion, which passed unanimously.

6. CR12-34

Dr. Barnhart moved to investigate further CR12-34. Ms. Clukey seconded the motion, which passed 7-0-0-1 with Dr. Jones recused.

7. CR13-123

Dr. Andrews moved to dismiss CR13-123. Dr. Jones seconded the motion, which passed unanimously.

The patient complains that the doctor lacked concern for her health, and that the doctor was demeaning and unresponsive to needs in her claim for workers compensation due to a medical condition. The doctor responds that she always conducted herself in patient's best interests and that she was responsive to her needs. Record review documented diligent care and considerable effort in accommodating the needs of the patient, her attorney, and her employer. Office visits and phone calls were well documented by both the physician and office staff. Appropriate consultations were made in pursuing an elusive diagnosis and effective treatment for the condition.

8. CR12-233

Dr. Dumont moved to investigate further CR12-233. Dr. Barnhart seconded the motion, which passed 7-1-0-0.

9. CR13-127

Dr. Andrews moved to investigate further CR13-127. Mr. Dyer seconded the motion, which passed 7-1-0-0.

10. CR12-102 Robert H. Abrams, M.D.

Dr. Andrews moved to dismiss CR12-102 Robert H. Abrams, M.D. with a letter of guidance. Dr. Dumont seconded the motion, which passed unanimously.

Law enforcement authorities notified the Board that several of the doctor's patients were under investigation for prescription opioid diversion. The Board initiated a complaint. Review of the index patients' records revealed inadequate medical documentation and inattention to universal precautions in the management of patients receiving chronic treatment with controlled substances. The Board's Prescription Monitoring Program (PMP) data review revealed a pattern of early refills with inadequate medical documentation of such. Review of other records revealed similar issues. After an informal conference with the physician, other medical records were again reviewed six months later. This review revealed consistent full documentation of patient management, medical decision-making, and use of all elements of universal precautions.

Letter of Guidance:

1. All patients being managed with controlled substances should be monitored closely. Medical documentation should justify such management and reflect all monitoring results.
2. All elements of universal precautions should be applied to such patients, including random pill counts, urine drug screens, periodic PMP reviews, and controlled substance agreements with attention to inconsistent findings.

11. CR 13-124

Dr. Gleaton moved to hold an Informal Conference in the matter of CR 13-124. Dr. Jones seconded the motion, which passed unanimously.

12. CR13-137

Dr. Barnhart moved to dismiss CR13-137. The motion was seconded by Dr. Dumont, which passed unanimously.

The complainant, who was a patient of the physician until leaving the state in August 2012, alleges the physician is corrupt and incompetent. In May 2013, 10 months after leaving Maine, the complainant appeared unannounced at the physician's office demanding a prescription refill. The physician was booked to see patients and was not available for an appointment that day, which would have been a necessary condition for considering a refill. The complainant became obstreperous, frightening the receptionist who then threatened to call the police if the complainant did not leave, which eventually he did. There is no sign of corruption or incompetence.

13. CR13-147

Dr. Dumont moved to investigate further CR13-147. Dr. Jones seconded the motion, which passed unanimously.

14. CR13-150

Mr. Dyer moved to dismiss CR13-150. Ms. Clukey seconded the motion, which passed unanimously.

A patient complained about the care she received from her primary care physician. Review of the complaint and physician's response, but not the medical records since there was no authorization to release them, does not indicate any basis for concern about the patient's medical care or competency of the physician.

15. CR13-152

Ms. Clukey moved to dismiss CR13-152. Dr. Barnhart seconded the motion, which passed unanimously.

The parent of a 3-year-old patient alleged that the physician was ill mannered and threatening during a visit, refused to evaluate the patient, failed to listen to her concerns, and caused her child's obesity by placing the child on a soy diet. The physician responded by denying all of the allegations, expressed his sincere concern for the child's medical issues. In addition, the physician stated that the parent has failed to take the child to appropriate medical specialists, which resulted in his making a mandated report to DHHS. The medical record corroborates fully the physician's response.

16. CR13-171

Dr. Nyberg moved to dismiss CR13-171. Dr. Jones seconded the motion, which passed 7-0-0-1 with Dr. Dumont recused.

The physician was delinquent in his application for a permanent license after having been granted an emergency license. The physician has apologized for his error, explained the circumstances resulting in his failure to apply, and submitted the application. The matter is resolved.

17. CR13-172

Dr. Nyberg moved to dismiss CR13-172. Dr. Jones seconded the motion, which passed 7-1-0-0.

The physician was delinquent in her application for a permanent license after having been granted an emergency license. The physician has apologized for her error, explained the circumstances resulting in her failure to apply, and submitted the application. The matter is resolved.

III. Assessment and Direction

18. AD13-108

Dr. Dumont moved to file AD13-108. Dr. Jones seconded the motion, which passed unanimously.

19. AD13-153

Dr. Dumont moved to investigate further AD13-153. Dr. Jones seconded the motion, which passed unanimously.

20. AD13-156

Dr. Dumont moved to file AD13-156. Mr. Dyer seconded the motion, which passed 7-0-0-1 with Dr. Gleaton recused.

21. Intentionally Left Blank

22. Intentionally Left Blank

23. Complaint Status Report (FYI)

24. Consumer Assistant Feedback (FYI)

25. Physician Feedback (FYI)

IV. Informal Conference

A. CR 12-202

Dr. Andrews moved to investigate further CR 12-202. Dr. Jones seconded the motion, which passed unanimously.

Public Session

V. Minutes of September 2013

Dr. Jones moved to approve the minutes as amended. Dr. Andrews seconded the motion, which passed unanimously.

VI. Board Orders and Consent Agreement Monitoring and Approval

A. Board Orders – None

B. Consent Agreement Monitoring and Approval

1. CR12-236 William Fannin, M.D. (Proposed Monitor)

Dr. Dumont moved to approve Dr. Ruth Frydman as Dr. Fannin's practice monitor. Dr. Jones seconded the motion, which passed unanimously.

2. CR10-603 Charles M. Stewart, M.D. (amendment request)

Dr. Stewart is requesting three amendments:

1. Removal of the requirement for mental health treatment (a letter from his counselor is enclosed);
2. Reduction in the requirement for audio session review from ten per quarter to three per quarter (a letter from his practice monitor is enclosed); and
3. Reduction in the frequency of observation by the practice monitor from weekly to monthly (a letter from his practice monitor is enclosed).

Dr. Jones moved to approve the three amendments to Dr. Stewart's Consent Agreement. Dr. Andrews seconded the motion, which passed 7-0-0-1 with Dr. Barnhart recused.

VII. Adjudicatory Hearing - CR 13-173 Alexandria E. Nesbit, P.A.-C

Dr. Jones moved that in the matter of Alexandria E. Nesbit, PA-C, effective this date, October 8, 2013, the automatic license suspension that became effective September 6, 2013, for failure to comply with her Consent Agreement has been lifted. Ms. Nesbit's Maine physician assistant license is now active and subject to her existing Consent Agreement, which will be modified further pursuant to a Board Order to be issued at a later date. Dr. Nyberg seconded the motion, which passed unanimously.

VIII. Remarks of Chairman

A. Appointment of New Board Member

Dr. Gleaton announced the Governor's appointment of Peter Sacchetti, M.D. from York as a new member of the Board replacing Dr. Hatfield.

IX. Executive Director's Monthly Report (FYI)

A. Complaint Status Report (FYI)

B. Board Member Education (FYI)

X. Medical Director's Report (FYI)

XI. Remarks of Assistant Attorney General (None)

XII. Secretary's Report

A. List A Licenses for Ratification

1. M.D. List A

Dr. Dumont moved to ratify approval of the physicians below for permanent licensure. Dr. Barnhart seconded the motion, which passed unanimously.

The following license applications have been approved by staff and Board Secretary David D. Jones, M.D. without reservation:

Name	Specialty	Location
Agarwal, Devesh	Family Medicine	Lincoln
Atianand, Supriya K.	Pediatrics	Bangor
Baumer, Nathan B.	Emergency Medicine	Strong
Billington, Mark A.	General Surgery	Presque Isle
Burge, Billy C.	Family Medicine	Biddeford
Burke, Kevin M.	Otolaryngology	Portland
Burkett, Donna L.	Family Medicine	Portland
Cousin, Daniel A.	Diagnostic Radiology	Teleradiology
Clunis, Derrick	Pediatrics	Calais
Daryani Saeed, Keivan	Internal Medicine	Not Listed
Dawson, Grant A.	Family Medicine	Greenville
Gochioco, Michelle J.	Internal Medicine	Not Listed
Hallberg, John A.	Orthopedic Surgery	Fort Kent
Herrington, Joel P.	Emergency Medicine	Bangor
Kamel, Mahmoud H.I.	Neurosurgery	Not Listed
Koett, Jamie L.	Family Medicine	Waterville
Lavoi, David P.	Internal Medicine	Fort Kent
Maxson, Robert T.	Pediatric Surgery	Dover-Foxcroft
Meade, Christine N.	Diagnostic Radiology	Portland
Mohanty, Guru P.	Internal Medicine	Lewiston
Montgomery Jr., Erwin B.	Psychiatry	Not Listed
Morin, Jessika T.	Family Medicine	Scarborough
Moukharskaya, Julia	Internal Medicine	Augusta
Movva, Rajesh	Cardiology	Bangor
Orelup, Christopher M.	Emergency Medicine	Not Listed
Paul, Susan D.	Internal Medicine	Bridgton
Pearson, Adam M.	Orthopedic Surgery	Telemedicine
Rahill, Joseph B.	Internal Medicine	Bangor
Rajack, Nadia K.	Internal Medicine	Caribou
Scarsella, Anthony	Family Medicine	Not Listed
Stillerman, James V.	General Surgery	Caribou
Tagaram, Sandhya D.	Family Medicine	Not Listed

Te Poel, Nicole J.
Uppal, Arvinder

Family Medicine
Diagnostic Radiology

Augusta
Not Listed

2. P.A. List A Licenses for Ratification

Dr. Andrews moved to ratify granting licensure to the physician assistants on P.A. List A below. Dr. Dumont seconded the motion, which passed unanimously.

The following Physician Assistant license applications have been approved by the Board Secretary, David Jones, M.D. without reservation:

NAME	LICENSE	PSP	LOCATION
Loretta Daniels, P.A.-C	Inactive	None	None
John Dudley, P.A.-C	Inactive	None	None
Courtney MacLeod, P.A.-C	Active	William Brennan, M.D.	Westbrook
Angela Michalka, P.A.-C	Active	W. Andrew Hodge, M.D.	Bangor
Veronica Palacios, P.A.-C	Inactive	None	None
Tammie Parent, P.A.-C	Active	Sandeep Reddy, M.D.	Sanford

B. List B Applications for Individual Consideration

1. Suman K. Banerjee, M.D.

The Licensure Committee moved to approve the license application of Suman K. Banerjee, M.D. The motion passed by unanimous vote.

2. Brian D. Smullen, M.D.

The Licensure Committee moved to offer Brian D. Smullen, M.D. a consent agreement for a conditioned temporary license with mandatory enrollment in the Maine Professionals Health Program for a six-month period and review after six months. The motion passed by unanimous vote.

3. Intentionally Left Blank

4. Intentionally Left Blank

C. List C Applications for Reinstatement

1. List C Applications for Reinstatement

Dr. Dumont moved to ratify the following license reinstatement applications. Dr. Jones seconded the motion, which passed unanimously.

The following license reinstatement applications have been approved by staff and Board Secretary David Jones, M.D. without reservation:

<u>NAME</u>	<u>SPECIALTY</u>	<u>LOCATION</u>
Phillip J. Din	Internal Medicine	Caribou
Kouta Ito	Internal Medicine	Biddeford
Patrick D. O'Callahan	Family Medicine	Houlton

2. List C Applications for Reinstatement for Individual Consideration (None)

D. List D Withdrawals

1. List D (1) Withdraw License Application (None)

2. List D (2) Withdraw License from Registration

Dr. Dumont moved to approve the physicians below to withdraw their licenses from registration. Ms. Clukey seconded the motion, which passed unanimously.

The following physicians and physician assistants have applied to withdraw their licenses from registration:

<u>Name</u>	<u>License Number</u>
Ruben Acosta	MD18858
MacDonald, George V.	MD5867
Moore, Maria	MD18372
Remick, Kyle	MD18664
Taenzer, Andreas	MD15256

3. List D (3) Withdraw License from Registration - Individual Consideration (None)

E. List E Licenses to lapse by operation of law

The following physician and physician assistant licenses lapsed by operation of law effective September 2, 2013:

<u>NAME</u>	<u>LICENSE NUMBER</u>
Alexander, Charles	MD8534
Baldwin, Richard	MD11875
Chaudhry, Muhammad S.	MD15490
Chen, Grace L.	MD18729
Cravey, G. Madison	MD6293
Doyle, Robert	MD7273
Godley, Joanne	MD18363
Govindan, Lakshmimalini	MD17722
Leavitt, Peter S.	MD16578
Lewis, Jennifer	MD18816
Lynch, Christopher R.	MD18960

Lytle, Francisca V.	MD19179
McDonald, Homeira M.	MD8171
Posey III, John B.	MD16271
Robinson, Brad K.	MD16446
Sahajpal, Deenesh T.	MD19364
Short, John K.	MD14532
Sturtevant, Vaughn R.	MD4875
Sulkowski, Viktor P.	MD12784
Thawait, Prakash	MD13984
Wells, Hamilton J.	MD18277
Williams, Michael	MD18659

F. List F Licensees requesting to convert to active status (None)

G. List G Renewal applications for review

1. Rowlinda A. Stone, M.D.

The Licensure Committee moved to approve renewal for Rowlinda A. Stone, M.D. The motion passed by unanimous vote.

H. List H. Physician Assistant Schedule II Authority Requests

1. Applications to Renew Schedule II Authority (None)

2. Applications for New Schedule II Authority

Dr. Barnhart moved to approve the physician assistants below for Schedule II Authority. Mr. Dyer seconded the motion, which passed unanimously.

The following new requests for Schedule II prescribing authority have been approved by David Jones, M.D., Board Secretary:

NAME	PSP	LOCATION
Valerie Attia, P.A.-C	Wayne Moody, M.D.	Auburn
William Bisbee, P.A.-C	Gregory Leather, M.D.	Rockport
Robyn Brown, P.A.-C	Norris Lee, M.D.	Lewiston
Timothy Canham, P.A.-C	Jennifer Charity, M.D.	Bangor
Laura Connors, P.A.-C	Lawrence Smith, M.D.	Bangor
Stephen DelCasino, P.A.-C	Krishna Bhatta, M.D.	Bangor
Lisa Gordon, P.A.-C	Howard Jones, M.D.	Bangor
Diane Handler, P.A.-C	John Yindra, M.D.	Leeds
Van LaMore, P.A.-C	David Urquia, M.D.	Augusta
Brandy McKenney, P.A.-C	Michael Duffy, M.D.	Gorham
Darren Pelletier, P.A.-C	Ian Dickey, M.D.	Bangor
Michael Wassell, P.A.C	Victor Kim, M.D.	Portsmouth

XIII. Standing Committee Reports

A. Administration, Policy and Rules Committee

1. Proposed Changes Fee Schedule Policy

Dr. Jones moved to approve amendments to the Fee Schedule Policy. Dr. Andrews seconded the motion, which passed unanimously.

2. Proposed Policy Amendment Puerto Rico Medical Exam

Dr. Dumont moved to approve amendments to the Puerto Rico Medical Exam policy. Dr. Jones seconded the motion, which passed unanimously.

3. Proposed Policy Definition of Board Actions

Dr. Andrews moved to approve a new policy Definition of Board Actions. Dr. Jones seconded the motion, which passed unanimously.

4. Policy Review Temporary License–Recent Clinical Experience

Dr. Nyberg moved to reaffirm the Temporary License–Recent Clinical Experience policy. Dr. Andrews seconded the motion, which passed unanimously.

B. Licensure and CME Committee (None)

C. Public Information Committee

Dr. Nyberg reported the Public Information Committee met to discuss the upcoming newsletter.

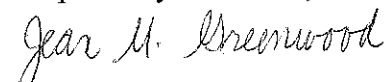
XIV. Board Correspondence (FYI)

XV. FSMB Material (FYI)

XVI. Other Business (FYI)

XVII. Adjournment 3:30 p.m.

Respectfully submitted,



Jean M. Greenwood
Board Coordinator